

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JUN 05 2006

JOHN F. GORCORAN, CLERK
BY: *J. Mahoney*
DEPUTY CLERK

UNION INSURANCE COMPANY,

Plaintiff,

v.

WILLIAMS CONTRACTING INC.,

RANDALL GARRETT,

ROBIN GARRETT,

and

CINCINNATI INSURANCE COMPANY,

Defendants.

CIVIL ACTION No. 3:05-CV-00075

ORDER

JUDGE NORMAN K. MOON

Before the Court is (1) Plaintiff Union Insurance Company's Fed. R. Civ. P. 12(c) Motion for Judgment on the Pleadings, filed February 17, 2006, and (2) Defendant Cincinnati Insurance Company's Rule 12(b)(6) Motion to Dismiss, filed January 17, 2006. By Order of the Court dated May 15, 2006, the parties were notified of the Court's intention to treat both motions as motions for summary judgment to be disposed of under Rule 56, and given ten days to note objections or file additional evidence. No objections were filed, nor additional evidence submitted.

For the reasons set forth in the accompanying Memorandum Opinion, Union's motion is GRANTED. It is the JUDGMENT OF THIS COURT that Union has no duty to defend or

indemnify Defendant Williams Contracting, Inc. ("Williams") in connection with *Garrett v. Williams Contracting, Inc.*, No. CL05004680-00 (Va. Cir. Ct. Louisa County Oct. 18, 2005), an action brought by Defendants Randall and Robin Garrett against Williams.

Also for reasons stated in the Memorandum of the Opinion, Cincinnati's motion is GRANTED. It is the JUDGMENT OF THIS COURT that Cincinnati does not have a duty to defend or indemnify Defendant Williams Contracting, Inc. ("Williams") that is primary to any duty to defend or indemnify of Union's in connection with *Garrett v. Williams Contracting, Inc.*, No. CL05004680-00 (Va. Cir. Ct. Louisa County Oct. 18, 2005).

It is so ORDERED.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record.

ENTERED: Namuel Mann
U.S. District Judge
June 5, 2006
Date